

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/18/19

MATTHEW J. LARKIN,

Plaintiff,

-against-

TRANS UNION, LLC; EXPERIAN
INFORMATION SOLUTIONS, INC.;
CAPITAL ONE BANK USA, N.A.; CREDIT
ACCEPTANCE CORPORATION; FIRST
ELECTRONIC BANK; AND VERIZON
COMMUNICATIONS, INC.,

Defendants.

19-CV-8349 (ALC)

ORDER OF SERVICE

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff, currently incarcerated in F.C.I. Otisville, located in Otisville, New York, brings this *pro se* action alleging that Defendants violated his rights under the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* By order dated September 10, 2019, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*.¹

DISCUSSION

A. Service on Defendants

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915(b)(1).

the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants Trans Union, LLC; Experian Information Solutions, Inc.; Capital One Bank, USA, N.A.; Credit Acceptance Corporation; First Electronic Bank; and Verizon Communications, Inc., through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these Defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to complete the USM-285 forms with the addresses for Trans Union, LLC; Experian Information Solutions, Inc.; Capital One Bank, USA,

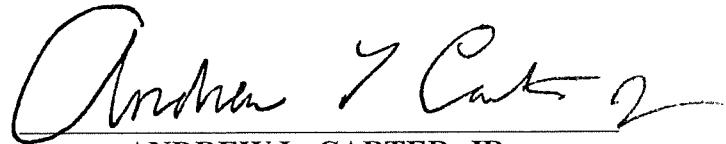
N.A.; Credit Acceptance Corporation; First Electronic Bank; and Verizon Communications, Inc., and deliver all documents necessary to effect service to the U.S. Marshals Service

The Clerk of Court is directed to docket this as a “written opinion” within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 18, 2019
New York, New York



ANDREW L. CARTER, JR.
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Trans Union, LLC
c/o Corporation Service Company
80 State Street
Albany, New York 12207-2543
2. Experian Information Solutions, Inc.
c/o/ CT Corporation System
11 8th Avenue, 13th Floor
New York, New York 10011
3. Capital One Bank, USA, N.A.
1680 Capital One Drive
McLean, Virginia 22101
4. Credit Acceptance Corporation
25502 W. 12 Mile Road
Southfield, Michigan 48034
5. First Electronic Bank
2150 S. 1300 East
Suite 400
Salt Lake City, Utah 84106
6. Verizon Communications, Inc.
140 West Street
New York, New York 10007